

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT (PCT Article 17(2)(a), Rule 13ter.1(c) and (d) and 39)

Applicant's or agent's file reference SEQ-4087-PC	IMPORTANT DECLARATION	Date of mailing (day/month/year) 28 NOV 2005
International application No. PCT/US05/10912	International filing date (day/month/year) 31 March 2005 (31.03.2005)	(Earliest) Priority date (day/month/year) 01 April 2004 (01.04.2004)
International Patent Classification (IPC) or both national classification and IPC IPC(7): C12Q 1/68; C12N 5/00, 15/11; C07H 21/04 and US Cl.: 435/6, 325; 536/23.1, 23.5		
Applicant SEQUENOM, INC.		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below.

1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☒ the description
☒ the claims
☐ the drawings
3. ☐ A meaningful search could not be carried out without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).
4. ☒ A meaningful search could not be carried out without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

5. Further comments:
Please See Continuation Sheet

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer James Martinell <i>J. Roberts for</i> Telephone No. (571) 272-0719
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<p>5. Further comments:</p> <p>The claims are incomplete. Each of the independent claims (i.e., claims 1, 39, 45, 49, 54, 57, 60, 63, 66, 68, and 70) refers to a table in the application. Thus, the claims are incomplete (see PCT Rule 6.2(a)). In addition, the table referred to (Table B on page 215) in turn refers to accession numbers that presumably exist in a database or databases external to the application itself. There is no assurance that the accession numbers themselves or the data registered under the accession numbers are the same as the accession numbers or data registered under the accession numbers at the time the application was filed. Thus, no meaningful search can be performed. Claims 34, 40, 53, 61, 64, and 67 are improper multiple dependent claims (PCT Rule 6.4(a)).</p>	